

Message Text

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72

ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 IO-14 OIC-04 COA-02 EB-11 FEA-02

JUSE-00 INT-08 COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00

SWF-02 AGR-20 ACDA-19 AEC-11 CG-00 FMC-04 EPA-04

SCI-06 CEQ-02 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20 DRC-01

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TO SECSTATE WASHDC 1664

USIA WASHDC

AMEMBASSY CARACAS

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E.O. 11652: N/A

TAGS: PLOS, PBOR, EC, US

SUBJECT: LOS - LOCAL EDITORIAL COMMENT ON CARACAS CONFERENCE

REF: QUITO 3935; 3988

1. REFTELS REPORTED EDITORIAL-PAGE COMMENTARY, IN QUITO MORNING DAILY EL TIEMPO, BY FORMER FONMIN JULIO PRADO VALLEJO ON ECUADOR'S LOS POSITION. PRADO RETURNED TO THE THEME ON JULY 5, AND THE GIST OF HIS REMARKS IS QUOTED BELOW:

2. "THE CONFERENCE AT CARACAS ON LAW OF THE SEA IS MAKING SATISFACTORY PROGRESS EVEN THOUGH THE WORK OF THE COMMISSIONS AND THE SUBMISSION OF PROPOSALS HAVE NOT YET
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BEGUN, THERE ARE SOME POINTS OF UNDERSTANDING AND

CERTAIN COMMON POSITIONS ... SUPPORTED BY A SUBSTANTIAL MAJORITY OF STATES. THUS, IT SEEMS THERE IS A CONSENSUS OF OPINION FOR THE ESTABLISHMENT OF A 200-MILE ECONOMIC AREA OVER WHICH THE COASTAL STATE WOULD HAVE SOVEREIGNTY AND EXCLUSIVE JURISDICTION WITH REGARD TO THE RENEWABLE AND NON-RENEWABLE RICHES OF THE WATER, THE OCEAN BOTTOM AND THE SUBSOIL. THIS IS A REMARKABLE ADVANCE. UP TO A FEW MONTHS AGO THE GREAT POWERS STILL RESISTED A SOLUTION OF THIS KIND ... THEY HAVE NOW FOUND THEMSELVES COMPELLED TO ACKNOWLEDGE THE CLAIM PUT FORWARD BY A MAJORITY OF DEVELOPING COUNTRIES. THUS, THE SOVIET UNION, WHICH HAD BECOME ALLIED WITH THE UNITED STATES FOR THE PURPOSE OF OPPOSING THE POSITION OF THE MINOR COUNTRIES, HAS CHANGED ITS ATTITUDE AND HAS EXPRESSED AN OPINION FAVORING THE ESTABLISHMENT OF A 200-MILE ECONOMIC AREA. IT SEEMS THAT THE SAME STAND IS BEING TAKEN BY THE UNITED STATES, ALTHOUGH WITH CERTAIN RESERVATIONS. CANADA, ANOTHER INDUSTRIALIZED COUNTRY, HAS JUST MADE A FAVORABLE PRONOUNCEMENT WE MAY THEREFORE BELIEVE, ALTHOUGH WITH SOME RESERVE ARISING FROM THE CONTROVERSIAL NATURE OF THE PROBLEM, THAT THE WAY IS CLEAR TO A SATISFACTORY UNDERSTANDING. IN ANY CASE, IT WILL BE DIFFICULT FOR THE CARACAS CONFERENCE TO REACH AGREEMENT ON A FINAL AGREEMENT. POSSIBLY IT MAY NOT ADVANCE ANY FURTHER THAN ENUMERATING POINTS FOR AGREEMENT WHICH WILL SERVE AS THE BASIS FOR A DRAFT TREATY TO BE DISCUSSED AND APPROVED AT THE VIENNA CONFERENCE. HOWEVER, THIS IS A GREAT DEAL ALREADY AND WARRANTS CHERISHING THE HOPE THAT THE WORLD WILL SHORTLY HAVE NEW AND UNIVERSALLY ACCEPTED RULES ON THE LAW OF THE SEA ..."

3. "WHAT IS OBVIOUS, AFTER THE PRONOUNCEMENTS MADE AT THIS CONFERENCE, IS THAT THE THESIS OF A 200-MILE "TERRITORIAL SEA" WILL BE DEFEATED. THIS WE HAD ALREADY ANTICIPATED IN THIS COLUMN. SUCH AN EXTREME POSITION WILL NOT PASS MUSTER: IT WILL BE THE BIG DEFEAT OF THE CARACAS MEETING. UNFORTUNATELY, ECUADOR IS MIXED UP WITH IT AND IT WILL NOT BE POSSIBLE FOR ECUADOR TO PUT IT ASIDE. IT WILL HAVE TO PROPOSE AND DEFEND IT, AS ENJOINED BY ITS CIVIL CODE. BRAZIL, WHICH SHARES THE

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SAME CRITERION, HAS NOT INCORPORATED IT INTO ITS LAW, SO THAT IT WILL BE EASIER FOR BRAZIL TO REACH AN UNDERSTANDING. AND SO SHE HAS ANNOUNCED: SHE IS NOT BOUND TO MAINTAIN AN INFLEXIBILITY SUCH AS OURS. SO, WHAT IS OUR POSITION GOING TO BE IN CARACAS; WILL, A VERY SIMPLE AND EASY ONE. IF WE WERE FREE TO DECIDE, WE WOULD, IN THE FIRST PLACE, DEFEND A 200-MILE TERRITORIAL SEA UNDER TOTAL SOVEREIGNTY AND JURISDICTION WHICH WOULD

THEREFORE BE ABSOLUTE. THE CIVIL CODE OBLIGES US TO DO SO. AND OUR INTERNATIONAL POSITION CANNOT BE CONTRARY TO OUR OWN LAWS. THIS DOES NOT MEAN THAT WE ARE WHOLLY IN AGREEMENT WITH OUR INTERNAL LEGISLATION. NO; ON THE CONTRARY, WE BELIEVE THAT IT WAS A MISTAKE TO TRANSFER AN ERRONEOUS VERSION OF THE ACT OF SANTIAGO TO THE CIVIL CODE, AS IF THE THREE COUNTRIES HAD ADOPTED A 200-MILE TERRITORIAL SEA. ACTUALLY THEY SPOKE, IN THAT ACT, OF A SOVEREIGN AND JURISDICTIONAL SEA OF THAT EXTENT, NOT OF A TERRITORIAL SEA, WHICH IS A DIFFERENT CONCEPT UNDER CLASSICAL INTERNATIONAL LAW."

4. "HOWEVER, AS THIS POSITION IS GOING TO FAIL, AND WE ARE GOING TO BE LEFT IN FRIGHTFUL DIPLOMATIC ISOLATION IN CARACAS AFTER IT HAS PROVED IMPOSSIBLE FOR THE CONFERENCE TO APPROVE A 200-MILE TERRITORIAL SEA, WE SHALL HAVE NO CHOICE BUT TO HELP ESTABLISH AN EXCLUSIVE ECONOMIC AREA IN FAVOR OF THE COASTAL STATE TO THAT EXTENT, OVER WHICH THE STATE WOULD EXERCISE SOVEREIGNTY AND JURISDICTION IN EXPLORING FOR, EXPLOITING AND USING THE RICHES OF ITS MARINE WATERS, THE OCEAN BOTTOM AND THE SUBSOIL WITHOUT INTERFERENCE BY ANOTHER FOREIGN SOVEREIGNTY. IT WOULD BE A DIPLOMATIC MISTAKE TO VOTE AGAINST THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC AREA AFTER THE THESIS OF A TERRITORIAL SEA FAILS. AFTER ALL, WHAT WE HAVE BEEN SEEKING SINCE THE 1952 ACT OF SANTIAGO IS THE UTILIZATION AND DEFENSE OF THE RICHES IN THAT MARITIME AREA FOR THE BENEFIT OF OUR PEOPLES. AND REGARDLESS OF THE CONCEPT UNDER WHICH WE ASSERT OUR RIGHT TO THEM, WHETHER THAT OF A TERRITORIAL SEA OR AN ECONOMIC AREA, WHAT MATTERS IS THAT SUCH RICHES SHOULD BE OURS AND THAT WE SHOULD BE IN A POSITION TO PROCLAIM THAT THEY ARE AN INALIENABLE PART OF ECUADOREAN RIGHTS. WE ARE NOT UNCLASSIFIED

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IN A POSITION TO IMPOSE ON OTHERS WHAT OUR CIVIL CODE SAYS. THEREFORE, WE HAVE NO ALTERNATIVE, AFTER THE THESIS OF A TERRITORIAL SEA IS DEFEATED, BUT TO JOIN THE REST OF THE INTERNATIONAL COMMUNITY OF THE PURPOSE OF DEFENDING, FOR THE BENEFIT OF OUR PEOPLE, THE RESOURCES IN THE 200-MILE AREA."

5. "IN THAT CASE WE SHALL BE RECOGNIZING AN INNOCENT PASSAGE WITHIN 12 MILES AND FREE NAVIGATION WITHIN THE REMAINING 188 MILES. AND WE SHALL LATER BE DOING THIS BY REGULATING THE PROVISIONS OF OUR CIVIL CODE. IN ANY EVENT, LET US ACT UNDER A DIPLOMATIC CRITERION AND AN OBJECTIVE INTERNATIONAL POLICE."
BREWSTER

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